

1 [Parties and Counsel Listed on Signature Pages]
2
3
4
5

6 UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 IN RE: SOCIAL MEDIA
9 ADOLESCENT
10 ADDICTION/PERSONAL INJURY
11 PRODUCTS LIABILITY
12 LITIGATION

13 This Document Relates to:

14 ALL ACTIONS

15 MDL No. 3047

16 Case No. 4:22-md-03047-YGR

17 **STIPULATION AND [PROPOSED]**
18 **ORDER REGARDING NEGOTIATED**
19 **AMENDMENT OF THE DEPOSITION**
20 **PROTOCOL (ECF NO. 742)**

21 Judge: Hon. Yvonne Gonzalez Rogers

22 Magistrate Judge: Hon. Peter H. Kang

1 Meta and the MDL/JCCP Plaintiffs (together the “Parties”) hereby agree to the following
 2 negotiated amendment of the Deposition Protocol entered by the Court at ECF 742.

3 WHEREAS, the current rules governing discovery allow the MDL/JCCP PISD Plaintiffs
 4 240 hours of questioning time at depositions of current and former Meta employees and also
 5 allow the MDL AG Plaintiffs an additional 48 hours of questioning time at depositions of current
 6 and former Meta employees (ECF No. 667) (together, “the MDL Budget”);

7 WHEREAS, the parties agreed to a deposition protocol that the Court entered on April 3,
 8 2024 (ECF No. 742) which sets forth a provision by which MDL/JCCP Plaintiffs may cross-
 9 notice into depositions noticed by state attorneys general prosecuting their claims outside of the
 10 MDL (“Non-MDL AGs”);

11 WHEREAS, the states attorneys general of Massachusetts, Tennessee, and Arkansas
 12 (“Non-MDL Coordinated AGs”) have endeavored to coordinate with the MDL/JCCP Plaintiffs to
 13 promote efficiency, and have therefore participated in 21 depositions to date;

14 WHEREAS, the attorneys general of other jurisdictions besides Massachusetts,
 15 Tennessee, and Arkansas (“Non-MDL Non-Coordinated AGs”) have not appeared or asked
 16 questions at the 21 depositions taken to date and have independently noticed depositions of other
 17 former or current Meta employees;

18 WHEREAS, the Parties have an ongoing disagreement regarding whether and to what
 19 extent time spent questioning current and former Meta employees by the Non-MDL Coordinated
 20 AGs shall count against the MDL Budget;

21 WHEREAS, the Parties have an ongoing disagreement regarding whether and to what
 22 extent MDL/JCCP Plaintiffs should be permitted to show to certain deponents certain documents
 23 that Meta has designated as “HIGHLY CONFIDENTIAL” under the Court’s Protective Order;

24 NOW, THEREFORE, the Parties stipulate and agree as follows:

25 1. With respect to depositions jointly noticed by the MDL/JCCP Plaintiffs and the
 26 Non-MDL Coordinated AGs that were conducted on or before February 10, 2025 (“Past
 27 Depositions”), time spent questioning by the Non-MDL Coordinated AGs will not count against
 28 the MDL Budget, with the exception of 3.25 hours which shall be counted against the MDL

1 Budget;

2 2. With respect to depositions jointly noticed by the MDL/JCCP Plaintiffs and the
 3 Non-MDL Coordinated AGs that are conducted between February 11, 2025 and April 4, 2025
 4 (“Future Depositions”), the Non-MDL Coordinated AGs may lead 5 depositions and, at each such
 5 deposition, the first 5.5 hours spent questioning by the Non-MDL Coordinated AG leading each
 6 deposition will not count against the MDL Budget, but any time in excess of such 5.5 hours will
 7 count against the MDL Budget;

8 3. For purposes of the foregoing provision, to “lead” a deposition means either to (a)
 9 question first, or (b) question for the largest amount of time among all participating plaintiffs;

10 4. With respect to Future Depositions, time spent questioning by the Non-MDL
 11 Coordinated AGs in a capacity other than as lead will not count against the MDL Budget, except
 12 that for each such deposition time in excess of 1 hour conducted by the Arkansas AG’s office in
 13 such a non-lead capacity will count against the MDL Budget;

14 5. With respect to depositions noticed by Non-MDL Non-Coordinated AGs
 15 conducted on or before April 4, 2025, Meta will provide the final transcript of each such
 16 deposition to the MDL/JCCP Plaintiffs within three business days of receipt, and the final video
 17 of each such deposition to the MDL/JCCP Plaintiffs within three business days of receipt, and
 18 Meta waives any argument that such transcripts and videos are not authentic or admissible on the
 19 ground that the MDL/JCCP Plaintiffs did not cross-notice and appear at such depositions,
 20 notwithstanding any provisions related to cross-noticing in the Deposition Protocol (ECF No.
 21 742), but Meta reserves its rights in all other respects concerning the admissibility of such
 22 transcripts and videos at summary judgment or trial;

23 6. With respect to depositions noticed by Non-MDL Non-Coordinated AGs
 24 conducted after April 4, 2025, the Parties reserve their rights and will endeavor to further meet
 25 and confer on this issue;

26 7. At the upcoming depositions of Susan Li, Chris Cox, Nick Clegg, Alex Schultz,
 27 Adam Mosseri, and Mark Zuckerberg (the “Apex Deponents”), MDL/JCCP Plaintiffs may show
 28 the deponent any documents designated as HIGHLY CONFIDENTIAL to the extent presently

1 permitted by the Court's Protective Order § 7.4; and

2 8. At the upcoming depositions of Susan Li, Chris Cox, Nick Clegg, Alex Schultz,
 3 Adam Mosseri, and Mark Zuckerberg (the "Apex Defendants"), MDL/JCCP Plaintiffs may show
 4 the defendant any documents designated as HIGHLY CONFIDENTIAL to the extent not
 5 presently permitted by the Court's Protective Order § 7.4, provided the MDL/JCCP Plaintiffs
 6 share with Meta's counsel such documents which in good faith they are considering to actually
 7 use with the witness (not to exceed 20) three business days in advance of the deposition at which
 8 the documents will be used, and subject to Meta reserving all other objections to use of the
 9 document and any related testimony at the time of summary judgment and trial.

10 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

11
 12 DATED: _____

HON. PETER H. KANG
 UNITED STATES MAGISTRATE JUDGE

13
 14 DATED: February 10, 2025

Respectfully submitted,

15 */s/ Lexi J. Hazam*
 16 LEXI J. HAZAM
LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP
 17 275 BATTERY STREET, 29TH FLOOR
 SAN FRANCISCO, CA 94111-3339
 Telephone: 415-956-1000
 lhazam@lchb.com

18
 19 PREVIN WARREN
MOTLEY RICE LLC
 20 401 9th Street NW Suite 630
 Washington DC 20004
 Telephone: 202-386-9610
 pwarren@motleyrice.com

21
 22
 23
 24 *Co-Lead Counsel for Personal Injury and School*
District/Local Government Entity Plaintiffs

1 **ROB BONTA**
 2 Attorney General
 3 State of California

4 _____
 5 /s/ *Megan O'Neill*
 6 Nicklas A. Akers (CA SBN 211222)
 7 Senior Assistant Attorney General
 8 Bernard Eskandari (CA SBN 244395)
 9 Emily Kalanithi (SBN 256972)
 10 Supervising Deputy Attorneys General
 11 Nayha Arora (CA SBN 350467)
 12 Megan O'Neill (CA SBN 343535)
 13 Joshua Olszewski-Jubelirer (CA SBN 336428)
 14 Marissa Roy (CA SBN 318773)
 15 Brendan Ruddy (CA SBN 297896)
 16 Deputy Attorneys General
 17 California Department of Justice
 18 Office of the Attorney General
 19 455 Golden Gate Ave., Suite 11000 San Francisco,
 20 CA 94102-7004 Phone: (415) 510-4400
 21 Fax: (415) 703-5480
 22 megan.oneill@doj.ca.gov

23 *Attorneys for Plaintiff the People of the State of*
 24 *California*

25 **MATTHEW J. PLATKIN**
 26 Attorney General
 27 State of New Jersey

28 _____
 29 /s/ *Kashif T. Chand*
 30 Kashif T. Chand (NJ Bar No. 016752008),
 31 *pro hac vice*
 32 Section Chief, Deputy Attorney General
 33 New Jersey Office of the Attorney General
 34 Division of Law
 35 124 Halsey Street, 5th Floor
 36 Newark, NJ 07101
 37 Tel: (973) 648-2052
 38 Kashif.Chand@law.njoag.gov

39 *Attorney for Plaintiffs Matthew J. Platkin, Attorney*
 40 *General for the State of New Jersey, and Cari Fais,*
 41 *Acting Director of the New Jersey Division of*
 42 *Consumer Affairs*

1 **RUSSELL COLEMAN**
 2 Attorney General
 3 Commonwealth of Kentucky

4 /s/ Philip Heleringer
 5 J. Christian Lewis (KY Bar No. 87109), *Pro hac vice*
 6 Philip Heleringer (KY Bar No. 96748), *Pro hac vice*
 7 Zachary Richards (KY Bar No. 99209), *Pro hac vice*
 8 Daniel I. Keiser (KY Bar No. 100264), *Pro hac vice*
 9 Matthew Cocanougher (KY Bar No. 94292), *Pro hac*
 10 *vice*
 11 Assistant Attorneys General
 12 1024 Capital Center Drive, Suite 200
 13 Frankfort, KY 40601
 14 CHRISTIAN.LEWIS@KY.GOV
 15 PHILIP.HELERINGER@KY.GOV
 16 ZACH.RICHARDS@KY.GOV
 17 DANIEL.KEISER@KY.GOV
 18 MATTHEW.COCANOUGHER@KY.GOV
 19 Phone: (502) 696-5300
 20 Fax: (502) 564-2698

21 *Attorneys for Plaintiff the Commonwealth of Kentucky*

22 **PHILIP J. WEISER**
 23 Attorney General
 24 State of Colorado

25 /s/ Krista Batchelder
 26 Krista Batchelder, CO Reg. No. 45066, *pro hac vice*
 27 Deputy Solicitor General
 28 Shannon Stevenson, CO Reg. No. 35542, *pro hac vice*
 29 Solicitor General
 30 Elizabeth Orem, CO Reg. No. 58309
 31 Danny Rheiner, CO Reg. No. 48821
 32 Assistant Attorney Generals
 33 Colorado Department of Law
 34 Ralph L. Carr Judicial Center
 35 Consumer Protection Section
 36 1300 Broadway, 7th Floor
 37 Denver, CO 80203
 38 Phone: (720) 508-6384
 39 krista.batchelder@coag.gov

40 *Attorneys for Plaintiff State of Colorado, ex rel.*
 41 *Philip J. Weiser, Attorney General*

1 COVINGTON & BURLING LLP
2

3 /s/ Michael X. Imbroscio

4 Phyllis A. Jones, *pro hac vice*
5 Paul W. Schmidt, *pro hac vice*
6 Michael X. Imbroscio, *pro hac vice*
7 COVINGTON & BURLING LLP
8 One City Center
9 850 Tenth Street, NW
10 Washington, DC 20001-4956
11 Telephone: + 1 (202) 662-6000
12 Facsimile: + 1 (202) 662-6291
13 Email: pajones@cov.com
Email: pschmidt@cov.com
Email: mimbroscio@cov.com

14 Ashley M. Simonsen, SBN 275203
15 COVINGTON & BURLING LLP
16 1999 Avenue of the Stars
17 Los Angeles, CA 90067
18 Telephone: (424) 332-4800
19 Facsimile: + 1 (424) 332-4749
20 Email: asimonsen@cov.com

21 *Attorney for Defendants Meta Platforms, Inc.*
22 *f/k/a Facebook, Inc.; Facebook Holdings,*
23 *LLC; Facebook Operations, LLC; Facebook*
24 *Payments, Inc.; Facebook Technologies, LLC;*
25 *Instagram, LLC; Siculus, Inc.; and Mark Elliot*
26 *Zuckerberg*

27
28

ATTESTATION

I, Lexi J. Hazam, hereby attest, pursuant to N.D. Cal. Civil L.R. 5-1, that the concurrence to the filing of this document has been obtained from each signatory hereto.

Dated: February 10, 2025

By: /s/ Lexi J. Hazam
Lexi J. Hazam